

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – DECEMBER 9, 2013

The regular meeting of the Town Council was called to order at 7p.m. by Patti Adams, Mayor. Those in attendance were Mayor Adams, Stacey Long, Town Administrator; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken, Chief Toomey of Dagsboro PD and those as listed on the sign in sheet.

Public Hearing: In cooperation with the Sussex County Council (SCC), and the Delaware State Housing Authority (DSHA), a public hearing is being held so that all citizens can have an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant Program for a grant under the provision of the Community Development Act of 1977. Attorney Witsil made comment of the purpose of the Public Hearing and Stacey Long reported that the town currently had 4 applicants for the program, there had been a 5th but 1 had withdrawn their application as they are no longer a homeowner, so there are only 4. Mike Jones from Community Development Housing presented information on the program for the last 20 years. Each year Sussex and Kent Counties receive approximately 2 million dollars from Housing and Urban Development group which is divided between Sussex and Kent Counties. There are income requirements an individual cannot earn more than \$33,350.00 and that amount increases \$4,750.00 for each individual up to \$47,600.00 for a family of 4. They cannot have more than \$15,000.00 in the bank and the property must be their primary place of residence. The money can be used for a roof, windows, doors, emergency heat and plumbing. A lien is placed for either 5 years if the homeowner is over 65 or 10 years if the homeowner is under 65. The lien is for the cost of the improvements only. There is no interest and the lien amount decreases each year by either 10 percent or 20 percent depending up the age of the homeowner. The maximum amount allotted to each property is \$24,000.00. If the homeowner should need to sell the property then the outstanding lien amount would be paid from the proceeds of the sale. Dagsboro has received more than \$175,000.00 which improved more than 43 households most of which was related to the installation of the sewer. There is still time to search for more applicants as the deadline is not until February 1st the primary purpose of this hearing was to get the word out and let people know that the money is available. The list for the county is very long almost 800 people and if the town could get another applicant they would be able assist these people much quicker. All work is done by the county from the permitting to the cleanup. Kyle Gulbroson from URS inquired as whether sidewalks were an acceptable purpose. Mr. Jones stated that they are but that the money for sidewalks was not free but that the town would have to match the funding that was provided. The Council thanked Mr. Jones for providing the information to the town council; Stacey has application should we find additional home owners who are eligible. The council were in agreement to move forward with search for the 5th applicant and moving forward with applying for the grant.

New Business:

1. **Consideration of Christmas Bonus for Town Employees:** Councilman Connor asked what type of Bonus had been given in the past and it was stated that the employees were normally given

\$100 each as a Christmas Bonus. There was a comment from the audience as to whether or not money was available for this or would taxes need to be raised again. Stacey Long commented that for things of this nature there was money available in the budget and taxes would not be raised because of this. Vice Mayor Truitt made a motion to approve \$100.00 Christmas Bonus for all Town Employees, motion seconded by Councilman Connor. Councilwoman Flowers abstained from vote all, others in favor. Motion carried.

- 2 Consideration of waiving the automatic impact fee adjustment for inflation as per Chapter 130-8 of the Dagsboro Code: Attorney Witsil commented that the CPI index was only an inflationary guideline to follow. Motion made by Councilman Connor to waive the automatic impact fee adjustment for inflation, motion seconded by Vice Mayor Truitt. All in favor. Motion carried.
- 3 Consideration of request for sign variance for Indian River High School property: Stacey commented that the Alumni Association was not ready at this time but should have their information ready for the January meeting.

Water Department:

1. Consideration of check valve quote for Savannah Square Buildings: Dagsboro Electric and Plumbing prepared a quote for the installation check valves at Savannah Square due to the back flow issues at that location. The quote for installing these 4 check valves is \$1450.00, our water engineer has reviewed the quote and specs and recommends that we move forward and they will be monitoring the installation on site. Motion made by Vice Mayor Truitt to accept the check valve quotes for the Savannah Square Buildings, motioned seconded by Councilman Connor. All in favor. Motion carried.
2. Consideration of Water Tank Maintenance Contract with Southern Corrosion Inc.: When Attorney Witsil reviewed the contract originally, he had several questions. In section 2B where it mentions that the removal of the sediment and debris resulting from the cleaning of the tank be deposited near the base of the raised man way of the tank and be done at the town's expense. It was determined that it would be no more than a pick up load at the most and to have the contractor add it to the price would be an additional \$406.00 to the cost of the yearly fee. The question of whether 1 coat of paint is adequate to cover the tank after it has been blasted: Kyle Gulbranson from URS stated that since the tank will not, be taken down to totally bare metal that 1 coat would provide adequate coverage. This was confirmed by the Contractor that as long as the color was kept close to the existing color 1 coat was fine. Stacey also made comment that since the original proposal was presented in August the price was guaranteed for 60 days and is still set but any outstanding contracts that are not signed by December 18th will not be honored and will be recalculated due to the increase in costs of materials. Since all the questions have been resolved Attorney Witsil recommended that there was no reason for the town not to move forward on this. Motion made by Councilman Connor to accept Water Tank Maintenance Contract with Southern Corrosion, seconded by Councilman Hansken. All in favor. Motion carried.
3. Consideration of hydrant flow test proposal from Delaware Rural Water Association: Every five years it is required by the Fire Marshall for flow tests to be done and verified. Since 2005 there have been tests done at areas of new construction but no tests have been done system wide. Delaware Rural Water has presented a proposal which includes flow tests, logging those results in the data system, adding the flows to the mapping system, color coding the hydrants and painting them when necessary, re-examine for proper drainage, inspect nozzle gaskets and provide all results to the town. Delaware Rural Water is able to do this either

between April and June or September and October of 2014, which ever works for us. The hydrants were just flushed and inspected on November 19th. In order for Delaware Rural Water to do the testing and reporting on all 77 hydrants it would take 4 of their employees at a total cost of \$75.00 per hydrant for a total job cost of \$5775.00. If a problem was discovered it would be handled by either Artesian or Schrock and once this job is completed it will not be necessary for another 5 years. A motion was made by Councilman Connor to accept the proposal from Delaware Rural Water Association for the flow tests and seconded by Councilman Hansken. All in favor. Motion carried.

4. Presentation of Water Report: Stacey mentioned that she had asked Millsboro the status of the overbilled water issue that was presented to the Mayor and Town Manager back in October. She is going to keep calling and request that we are to be placed on the January Agenda, she has not yet had any response from them and the plan is for Brad, Norwood and Stacey to attend that meeting. Attorney Witsil stated that there is a 3 year statute of limitations on breach of contract issues or in our case from the date of discovery or the date that the new meter was installed and reliability became apparent. We have time but we need to be aware of the time constraints.

At this time Mayor Adams recognized Councilman Elect Brian Baull and welcomed him to the council where he will be sworn in at the January meeting.

Police Department:

- 1 Presentation of Police Report: Chief Toomey began by saying that he was glad to be back from his deployment and commented that Sgt. Litten had done a wonderful job in his absence. The report for October and November were combined as there was no council meeting in November. The highlights of the report being, Recruit Paskey is scheduled to graduate from the academy on March 7th, the traffic numbers have fallen as a result of the change of seasons and that although traffic numbers have fallen there has been an increase in criminal arrests due to officers being more fervent in their traffic stops and having more time to respond to complaints and criminal arrests have increased from 87 in 2010, 200 in 2011, 199 in 2012 and there have already been 192 in 2013. There have been a larger than normal number of traffic accidents this year seemingly due to all the construction that was going on through out town, leading to rear end accidents and private property damage as a result of drivers encountering the unexpected. There have also been a number of accidents on private property due to weather related issues. In fact one incident at the high school resulted in a pedestrian being hit when the driver of a vehicle could not see due the sun. The number of complaints continues to rise and as of the end of November that total was 712 and could easily reach 750 by year end and will increase even more with the addition of Recruit Paskey to the force upon his graduation from the academy. Chief Toomey completed his report by saying thank you, once again for the support he received from the town during his absence.

Administrative/Financial/Code Enforcement:

1. Consideration of setting a public hearing to amend Chapter 1 of the Dagsboro Code entitled "General Provisions" to add Article H, entitled "Civil Penalties for Violation"; to amend the penalties enumerated and specified in Chapter 61-2; Chapter 75-11(A); Chapter 110-5, Chapter 118-23; Chapter 146-14; Chapter 173-6 (A); Chapter 210-3; Chapter 232-3; Chapter 238-11 (C)&(D); Chapter 267-21(D): Attorney Witsil explained that the proposed policy change from criminal to civil charges would affect violations in the following areas: animal, building

construction, firearms, flood plain management, licensing, property maintenance, noise, solid waste, sub division, voting, water, zoning, buffering, screening and landscaping and woodland preservation which are currently criminal violations with fines and the possibility of criminal incarceration. Chief Toomey explained that the town code would be downloaded into the DelJIS system and when a violation was reported a summons with the corresponding code number would generate the description from within the system. If the offender complied with the terms of the first summons either by handling the problem, paying the fine or appearing in court to have a judge make a ruling on the matter then it remains a civil complaint, however, if the offender does not respond in any way another summons for noncompliance is issued and this is a civil offense. There are currently 2 other civil offenses on the DelJIS books and they are for seatbelt use and hands free cell phone use. Other towns in our vicinity: Dewey, Rehoboth, Bethany and Georgetown currently use DelJIS for civil violations and the system works very well. Attorney Witsil stated that the first step when issuing any violation should always be administrative and set policy, such as personal contact, certified mail or hand delivery of a violation, as there could be extenuating circumstances from time to time. After much discussion it was decided to let the incoming council be a part of this decision process before bringing it to a public hearing.

2. **Presentation of Administrative Report:** In update to Chapel Crossing meeting the requirements of section 277 of the Dagsboro Municipal Code, concerning the mandatory water connection, the impact fees have been paid but they still are not connected. They are working with a plumber to get this accomplished for the little white house. The Quick Connect for the hydrant within the development has also been installed. 29118 Piney Neck Road, the old Cooper Bearing building, the prospective buyer had scheduled a meeting with Planning and Zoning in November, but after our meeting on October 28th and the information he received from us he asked to be removed from their agenda and we have not heard anything else from him. There are 2 people interested in that property and this man was the second in line. The "No Skateboarding" sign at the Katie Helm Park has broken and needs to be replaced. We will get a quote for a replacement sign hopefully made of stronger material. There is also an issue with vehicles running into the wooden retaining wall and Bob is working on a solution for this. There were 109 votes cast at the town election of December 7th 12 of which were absentee ballots. The results in order of votes received are Marji Eckerd 85, Brian Baull 74, Theresa Ulrich 67, Diane Carey 61 and Bill DeHaven 50. The top 3 recipients will be sworn in at a special organizational meeting of town council sometime early in January. After much discussion for a date a motion was made by Councilwoman Flowers that Monday, January 6, 2014 at 7:30 p.m. to swear in the new council members would be acceptable, seconded by Councilman Connor. All in favor. Motion carried.
3. **Presentation of Treasurer's Report:** General checking \$153,929.50, Public Service Money Market \$8,457.42, Police Grant account \$4,528.79, Police Salary Money Market \$6001.80, Property Transfer account \$36,136.75 and 3 CD'S of \$27,881.69, \$46,738.25 and \$5,091.38. MSA \$13,881.41. PGCC checking, \$582.38, savings, \$3,766.95 and 3 CD'S of \$32,693.51, \$44,672.84 and \$31,721.74. SALLE/EIDE \$5.00. Water checking \$61,708.42, Impact fee account \$196,691.56 and reserve account \$34,634.02. Motion made by Councilman Connor and seconded by Vice Mayor Truitt to accept treasurer's report. All in favor. Motion carried.
4. **Presentation of Building Official & Code Enforcement Report:** Stacey reported that certificates of occupancy have been issued for the following: unit 6 at the Woodlands, the tenant fit out at Mr. Bananas, units 3 and 11 at Chapel Crossing. Certificates of completion have been issued for a deck on Sussex Street, 2 signs on Main Street and the sign for Mr. Bananas at Savannah Square. Permits have been issued for 2 signs on Main Street, 3 building permits for the

following: Unit 3 in the Woodlands part of the duplex for units 3 and 4, a deck on Sussex Street and a single family home with attached garage and porch on King George III Street in Prince George's Acres. Stacey also reported that Mr. Banana's opened on December 3rd, they have received their business license and with the additional fees they paid \$363, but since the town operates on the calendar year and this is at the very end, could the town approve a 1 time extension of the business license and allow it to expire 12/31/14 instead of 12/31/13 due to the circumstances surrounding the issuing date. A motion was made by Councilman Connor to allow a 1 time extension and allow the license to expire at the end of 2014 and was seconded by Vice Mayor Truitt. All in favor. Motion carried.

5. Correspondence: Mayor Adams stated that she has received correspondence from several concerned citizens regarding a cat situation in town. She has been in contact with Hettie Brown who is the Director of Animal Welfare for the State of Delaware and also with Susan Coleman of the Cats Coalition organization who participates in the TNR (trap, neuter and release program). Director Brown has been in contact with Ms. Coleman and they are attempting to schedule a teleconference with Mayor Adams, a concerned citizen, Vice Mayor Truitt and Councilman Connor at a date in the near future. The town has limited funds for a project of this nature, but the cat coalition has indicated that they would be willing to write a grant for free money to the town. Participation of towns citizens to work with the TNR program will be needed. Mayor Adams stated that she has been in contact with representatives from Harrington and they have had great success with this program and they had a much larger problem than we have. Stacey also informed the council that she had just been contacted by Nancy Hickman from the state legislature in Dover, as to whether the town was agreeable to being a 3rd party and receive the disbursement for the paving to be done at the new Dagsboro Volunteer Fire Company location on Clayton Street. The funds are not permitted to be disbursed directly to the fire department and the bidding process must be done according to town policy before a contract can be awarded. Kyle Gulbranson from URS commented that the Frankford Public Library had just run into the same situation with the new construction and renovations that they did in the town of Frankford.

Prince George's Chapel Cemetery:

1. Presentation of Cemetery Report: Mayor Adams gave a review of suggested revisions for the rules and regulations for the Prince George's Chapel Cemetery and they are as follows: change #13 to be No Parking behind Prince George's Chapel out of respect for the cemetery and unmarked graves, as people just pull their vehicles in behind the chapel and park rather than parking in the designated areas. #14 will become No Smoking on cemetery grounds by order of the State of Delaware and the old #14 will now be #15 These rules and regulations are subject to be amended from time to time. There was also discussion concerning the proposed fencing along Ward Lane along the side of the cemetery to the big cedar tree in order to keep vehicles from parking on unmarked graves in that area. The fencing would allow handicapped and pedestrian access but not parking. It would be constructed and placed similar to the fencing on the town lot just down the road from the cemetery. Mayor Adams also informed the council that an updated letter will be sent to the local undertakers informing them of the recently updated changes in grave openings and cremated remains in the cemetery. The cemetery committee stated the Dagsworthy monument is beginning to chip away at the bottom and will soon require attention. It needs to be decided how to best use the funding from the Preservation fund for either the repair to the Dagsworthy monument or the continuation of the fencing.

2. **Approval of Revised Cemetery Rules & Regs:** Motion made by Vice Mayor Truitt to approve the revision of the Prince George's Cemetery rules and regs as recommended by the Prince George's Chapel Cemetery Committee and seconded by Councilman Connor. All in favor. Motion carried

Approval of Minutes:

October 9, 2013-Special Meeting: Motion made by Councilman Connor to accept the minutes of the Special Council meeting on October 9, 2013 and seconded by Vice Mayor Truitt. All in favor. Motion carried.

October 28, 2013-Town Council Meeting: Motion made by Councilman Connor to accept the minutes of the October 28, 2013 council meeting and seconded by Councilwoman Flowers. All in favor. Motion carried.

November 22, 2013-Special Meeting: Motion made by Councilman Connor to accept the minutes of the Special Council meeting on November 22, 2013 and seconded by Councilman Hansken. All in favor. Motion carried.

Prior to the motion of adjournment Attorney Witsil, Chief Toomey, Stacey Long and Kyle Gulbranson, URS Engineer expressed their thanks in being able to work with the departing Mayor and Councilwoman Flowers and Councilman Hansken and stated it was a pleasure to work with a team of people who only had the best interests of the town in mind while serving. The departing Mayor and members of the council expressed their thanks in that they were able to be of service to the town.

Adjournment: A motion was made at 8:39 p.m. by Councilwoman Flowers to adjourn and seconded by Vice Mayor Truitt. All in favor. Motion carried

Respectfully Submitted

Duane Kenton

Town Clerk